

## **Remarks**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 11, 21, 27, and 31 have been amended. No claims have been cancelled or added. Therefore, claims 1-33 and 36-39 are presented for examination.

### **35 U.S.C. §103(a) Rejection**

Claims 1, 3-11, 13-33, 36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. (U.S. Pub. No. US2003/0046451) and Fisher et al. (U.S. Patent No. 5,835,896). Applicants submit that the present claims are patentable over Horvitz in view of Fisher.

Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (Horvitz at paragraph [0007].) More specifically, the system enables a plurality of information associated with electronic messages to be automatically prioritized by a message urgency system for transmittal to a user or system. The message urgency system can employ classifiers that can be explicitly and/or implicitly trained to prioritize or triage one or more received messages according to a learned importance to the user. (Horvitz at Abstract.)

Fisher discloses a system and method for conducting a multi-person, interactive auction, in a variety of formats, without using a human auctioneer to conduct the auction. The system allows a group of bidders to interactively place bids over a computer or communications network. Those bids are recorded by the system and the bidders are updated with the current auction status information. When appropriate, the system closes

the auction from further bidding and notifies the winning bidders and losers as to the auction outcome. (Fisher at Abstract.)

Claim 1 recites:

A method, comprising:  
    providing a digital assistant having an event detector with access to an information provider such that the event detector is able to receive information from the information provider;  
    receiving information of an event;  
    determining a level of importance of the event relative to a first person; and  
    if the level of importance of the event is determined by the digital assistant to be greater than or equal to a first predetermined threshold, and if the level of importance of the event is determined by the digital assistant to be below or equal to a second predetermined threshold, then taking an action including at least one of providing payment to an e-commerce provider, making a telephone call on behalf of the first person, rescheduling a flight, and altering reservations, in response to the event without contacting any person.

Applicants submit that Horvitz does not disclose or suggest taking an action including at least one of providing payment to an e-commerce provider, making a telephone call on behalf of the first person, rescheduling a flight, and altering reservations, in response to the event without contacting any person. The Examiner admits as much by stating in the Final Office Action “Horvitz...does not explicitly disclose a specific implementation of the claim invention, i.e., a concept of using digital assistant...in taking actions requiring payment to an e-commerce.” Therefore, Horvitz does not disclose or suggest the features of claim 1.

Furthermore, Fisher does not disclose or suggest taking an action including at least one of providing payment to an e-commerce provider, making a telephone call on behalf of the first person, rescheduling a flight, and altering reservations, in response to

the event without contacting any person. Although Fisher may disclose a proxy bidding system, it does not disclose or suggest making a telephone call on behalf of the first person, rescheduling a flight, and altering reservations without contacting any person. Nor would it be obvious to include such a feature from the knowledge of the proxy bidding system of Fisher. Rescheduling flights, making telephone calls on behalf of a user, and altering reservations are not an obvious enhancement to the disclosure of Fisher. Therefore, Fisher does not disclose or suggest the features of claim 1.

As neither Fisher nor Horvitz disclose or suggest the features of claim 1, any combination of Fisher and Horvitz also would not disclose or suggest the features of claim 1. Therefore, claim 1 is patentable over Fisher in view of Horvitz. Claims 2-10 depend from claim 1 and include additional limitations. As a result, claims 2-10 are also patentable over Horvitz in view of Fisher.

Independent claims 11, 21, and 27, as amended, also recite, in part, taking an action including at least one of providing payment to an e-commerce provider, making a telephone call on behalf of the first person, rescheduling a flight, and altering reservations, in response to the event without contacting any person. As discussed above, neither Horvitz nor Fisher disclose or suggest such a feature. Therefore, claims 11, 21, and 27 are patentable over Horvitz in view of Fisher for the reasons discussed above with respect to claim 1.

Claims 12-20, 22-26, and 28-30 depend from claims 11, 21, and 27 respectively, and include additional limitations. Therefore, claims 12-20, 22-26, and 28-30 are also patentable over Horvitz in view of Fisher.

Independent claim 31, as amended, recites, in part, taking an action including at least one of providing payment to a service provider, making a telephone call on behalf of the first person, rescheduling a flight, and altering reservations, in response to the event without contacting any person. As discussed above, neither Horvitz nor Fisher discloses or suggest such a feature. Therefore, claim 31 is patentable over Horvitz in view of Fisher for the reasons discussed above with respect to claim 1.

Claims 32, 33, and 36-39 depend from claim 31 and include additional limitations. Therefore, claims 32, 33, and 36-39 are also patentable over Horvitz in view of Fisher.

Claims 2, 12, 37, and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz-Fisher, as applied to claim 1 and Horvitz et al. (U.S. Pub. No. US2003/0046451), in view of what was well known in the art. Claim 2 depends from independent claim 1, claim 12 depends from independent claim 11, and claims 37 and 39 depend from independent claim 31. As previously discussed, claims 1, 11, and 31 are patentable over Horvitz in view of Fisher. As a result, claims 2, 12, 37, and 39 are also patentable over Horvitz in view of Fisher, even in view of what was well known in the art.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

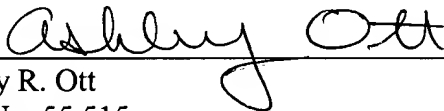
Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 3/21/05

  
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